

DOCKET NO: 244051US6 YA

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JEFFREY T WETZEL ET AL. : EXAMINER: DOAN, THERESA T.
SERIAL NO: 10/706,968 :
FILED: NOVEMBER 14, 2003 : GROUP ART UNIT: 2814
FOR: STRUCTURE COMPRISING :
TUNABLE ANTI-REFLECTIVE COATING
AND METHOD OF FORMING THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

In response to the Restriction Requirement dated November 30, 2004, Applicants provisionally elect with traverse Group 1, Claims 16-22, directed to a method of forming a damascene structure. Applicants believe that at least Claim 16 is generic to all species identified in the Restriction Requirement. As such, if Claim 16 is allowed then the claims of Group (Species) I-V will also be allowed. Applicants traverse the restriction requirement for the following reason.

MPEP § 803 states:

MPEP § 803

. . . If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

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However, the outstanding Restriction Requirement has not established that an undue burden would exist if the Restriction Requirement was not issued and all the claims were examined together. Moreover, the claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Restriction requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 16-27 and 29-35 be conducted.

Customer Number

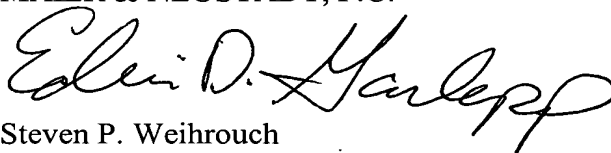
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Respectfully submitted,

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